

Message Text

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ORIGIN L-01

INFO OCT-01 SS-14 ISO-00 EA-06 DODE-00 IO-03 PM-03 INR-05

CIAE-00 SP-02 PRS-01 DLOS-03 COA-01 NSC-05 NSCE-00

CCO-00 SSO-00 INRE-00 /045 R

DRAFTED BY L/EA:CROH:CHG

APPROVED BY EA - MR ZURHELLEN

L/OES - MS WEST

L/EA - MRS VERVILLE

EA/K - MR O'DONOHUE

OSD/ISA - MR FINCH

OSD/GC - MR FORMAN

OSD/ISA/EAPR - MR ABRAMOWITZ

J5 - ADM HANNIFIN

----- 104399

O 282345Z FEB 75

FM SECSTATE WASHDC

TO AMEMBASSY SEOUL IMMEDIATE

CINCUNC SEOUL IMMEDIATE

INFO USMISSION USUN NEW YORK IMMEDIATE

CINCPAC HONOLULU HI IMMEDIATE

C O N F I D E N T I A L STATE 046188

LIMDIS - JOINT STATE/DOD MESSAGE

E.O. 11652: GDS

TAGS: KS,KN,US,PFOR,MARR

SUBJECT: SUMMARY PUBLIC AFFAIRS ASPECTS OF NORTH KOREA

BOAT/AIRCRAFT INCIDENT

REF: (A) CINCUNC SEOUL 271106Z FEB 75

(B) STATE 045472 (1974 SERIES)

1. STATE/DOD ARE DEEPLY CONCERNED BY SEVERAL ASPECTS OF
ROK MND PUBLIC AFFAIR HANDLING OF NK BOAT/AIRCRAFT
INCIDENT REPORTED REF A.

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2. AS WE HAVE NOTED BEFORE (REF B) NORTHERN PATROL LIMIT LINE DOES NOT HAVE INTERNATIONAL LEGAL STATUS. NPLL WAS UNILATERALLY ESTABLISHED AND NOT ACCEPTED BY NK. FURTHERMORE, INsofar AS IT PURPORTS UNILATERALLY TO DIVIDE INTERNATIONAL WATERS, IT IS CLEARLY CONTRARY TO INTERNATIONAL LAW AND USG LAW OF THE SEA POSITION. ARMISTICE PROVIDES TWO SIDES MUST RESPECT EACH OTHER'S QUOTE CONTIGUOUS WATERS, UNQUOTE WHICH NEGOTIATING HISTORY INDICATES WOULD MEAN AS MAXIMUM 12 MILES (AS ARGUED BY NK; US ACCEPTS 3 MILE DEFINITION.)

3. MND RELEASES EXACERBATE ABOVE PROBLEM BY ERRONEOUS USE OF TERM QUOTE TERRITORIAL WATERS. UNQUOTE AS YOU ARE AWARE, USG ADHERES TO 3 MILE LIMIT OF TERRITORIAL WATERS AND 12 MILE EXCLUSIVE FISHING ZONE. NEITHER USG

NOR UNC CAN IN ANY WAY SUPPORT ROK STATEMENT THAT THIS INCIDENT OCCURRED IN ROK TERRITORIAL WATERS OR EVEN ROK EXCLUSIVE FISHING ZONE.

4. IN ANY EVENT, MND TREATMENT OF THIS INCIDENT AS QUESTION OF PROTECTION OF ROK FISHING ZONE AGGRAVATES ALREADY DIFFICULT PROBLEM OF JUSTIFYING UNC/USG ACTIONS IN THIS CASE. WE DO NOT REPEAT NOT VIEW LEGITIMATE FUNCTIONS OF EITHER UNC, UNDER ARMISTICE AND PERTINENT SECURITY COUNCIL RESOLUTIONS, OR USG, UNDER MUTUAL SECURITY TREATY, AS INCLUDING ARMED ENFORCEMENT OF ROK FISHING CLAIMS, ESPECIALLY IN AREAS WE REGARD AS INTERNATIONAL WATERS BEYOND ARMISTICE ZONE.

5. EMBASSY/CINCUNC SHOULD MAKE ABOVE POINTS WITH APPROPRIATE ROKG OFFICIALS. MORE GENERALLY, WE DO NOT BELIEVE IT IS IN EITHER ROK OR OUR OWN INTEREST TO CHARACTERIZE AND JUSTIFY THIS INCIDENT PUBLICLY IN TERMS INCONSISTENT WITH INTERNATIONAL LAW AND OUR OWN EARLIER POSITIONS.

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NNN

Message Attributes

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Current Classification: UNCLASSIFIED
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Control Number: n/a
Copy: SINGLE
Draft Date: 28 FEB 1975
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
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Disposition History: n/a
Disposition Reason:
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Margaret P. Grafeld
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